

**Zoning Board of Appeals  
May 2, 2013 Special Meeting**

Location      Meeting Room  
                  Police Station  
                  285 Ipswich Road  
                  Boxford, MA 01921

Present        William R. Cargill, Jr., Chair  
                  Paula Lia Fitzsimmons, Vice-Chair  
                  Robert W. Conroy, Clerk  
                  Barbara Jessel, Alternate Member  
                  Robyn Kotarski, Alternate Member  
                  Paula Meagher, Secretary

**6:39 p.m.**      William Cargill called the meeting to order

The Board convened to discuss Open Meeting Law complaint filed with the Attorney General by Robin Phelan, Town Clerk and to discuss action this Board will take. The Chair passed it to Paula Fitzsimmons, Vice Chair who spoke with Town Counsel and a letter dated 4/26/13 which needs to be reviewed by the Board authorizing them to respond to the Attorney General's Office.

The complaint was received on 4/22/13 and the Board has fourteen (14) days to respond. The complaint was for failure to create and approve minutes from 10/27/11 Case #894 for the Boxford Library. Attorney Mark R. Reich of Kopelman and Paige, P.C. sent a draft letter which will become public record after approved.

In order to file a complaint it has to be filed within thirty (30) days after the alleged violation. The complaint fails and is not subject to the Attorney General review as the complaint was made eighteen (18) months after the complainant became aware of the purported violation. The request for minutes of that meeting was made on 2/22/13 and the draft minutes were sent to her within a ten (10) day period. The Board has complied with MGL c.30A, §22 in that an audio and video recording has been preserved and available for viewing.

The body of the complaint also does not give the whole picture of how the Zoning Board addressed the complaint because the attachments were not complete. The complaint did not include an email transmitting the draft minutes to the parties involved within the time period mandated.

The Board took a roll call vote to accept the draft letter dated 4/26/13 from Attorney Mark Reich to Amy Nable, Division of Open Government in the Attorney General's Office and direct him to change date to the appropriate date and send the letter out.

William Cargill	yes
Robert Conroy	yes
Paula Fitzsimmons	yes
Barbara Jessel	abstain
Robyn Kotarski	yes

**Motion** Robert Conroy – close evidence  
**Second** Paula Fitzsimmons  
**Unanimous vote**

**Motion** Robert Conroy – adjourn at 6:49 p.m.  
**Second** Paula Fitzsimmons  
**Unanimous vote**

*Respectfully submitted,  
Paula Meagher*

APPROVED AS AMENDED 6/13/13